



BellSouth Telecommunications, Inc.

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December 8, 2000

Guy M. Hicks

General Counsel

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VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Petition for Arbitration of an Interconnection Agreement Between
BellSouth Telecommunications, Inc. and US LEC of Tennessee, Inc.
Pursuant to the Telecommunications Act of 1996*
Docket No. 00-00053

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Initial Objections to US LEC's First Set of Data Requests. Copies of the enclosed are being provided to counsel of record for US LEC.

Very truly yours,

Guy M. Hicks

GMH:ch
Enclosure

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Petition for Arbitration of an Interconnection Agreement Between
BellSouth Telecommunications, Inc. and US LEC of Tennessee, Inc.
Pursuant to the Telecommunications Act of 1996*

Docket No. 00-00053

**BELLSOUTH TELECOMMUNICATIONS, INC.'S INITIAL
OBJECTIONS TO US LEC'S FIRST SET OF DATA REQUESTS**

BellSouth Telecommunications, Inc. ("BellSouth") files its initial objections to US LEC's first set of data requests. On December 5, 2000, US LEC filed 102 data requests, not including subparts. US LEC also filed a motion asking the Tennessee Regulatory Authority ("Authority") to allow it to submit all of the discovery questions.

BellSouth objects to each and every one of US LEC's first set of data requests because they exceed the number of discovery requests permitted under the Authority's Rules of Procedure, § 1220-1-2-.11(5)(a). The Rule prohibits a party from serving more than forty (40) discovery requests, including subparts, without having first obtained leave of the Authority or Hearing Officer. The Rule further requires that any motion seeking permission to serve more than forty (40) discovery requests shall be accompanied by a memorandum establishing good cause for the service of additional interrogatories or requests for production.

US LEC's motion, which was not accompanied by the required memorandum, merely states in conclusory fashion that the case involves nine issues, is complex, and that US LEC's requests are "not excessive *per se*." Besides

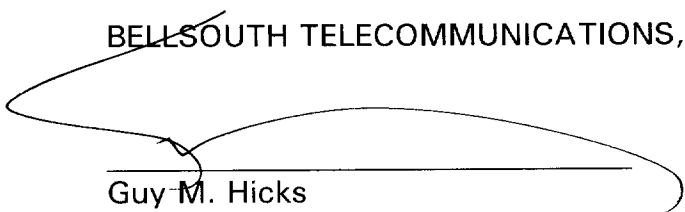
not complying with the Rule's requirement to submit a memorandum supporting the motion, the motion itself is merely conclusory and uses the wrong legal standard. There is no presumption that discovery requests are not "excessive *per se*." The standard is one of good cause, which must be demonstrated by the moving party. US LEC has utterly failed to demonstrate good cause and should be required to refile its discovery in compliance with the Authority's Rule.

The Authority's Rules of Procedure, and in particular § 1220-1-2-11.(5)(a) became effective on September 13, 2000. Counsel for US LEC is well aware of these Rules. If the Authority is going to go to the trouble to promulgate rules involving discovery, then it should enforce those rules. By ignoring these rules, US LEC cannot complain of any delay resulting from its actions.

In accordance with Rule 1220-1-2-.06(2), BellSouth will file a more detailed response to US LEC's motion within seven days after service of US LEC's motion.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.



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CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2000, a copy of the foregoing document was served on the parties of record, via facsimile, hand delivery, overnight or U. S. Mail, postage pre-paid, addressed as follows:

☒ Hand
☐ Mail
☐ Facsimile
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